

AUG 16 2004

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AUGUST 16, 2004

By:



Sharon M. Fujita

Attorney Docket No: 0184.310US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Lorraine J. Giver, et al.

Application No.: 09/905,666

Filed: July 13, 2001

For: NOVEL LIPASE GENES

Examiner: Nashaat T. Nashed

Art Unit: 1652

INFORMATION DISCLOSURE  
STATEMENTS WITH REQUEST  
FOR CONTINUED EXAMINATION

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This IDS submission is being made in connection with a Request for Continued Examination. A Notice of Allowance was mailed in the present application on May 19, 2004. The issue fee is due August 19, 2004.

The requirements for an RCE submission are met in that prosecution is closed pursuant to 37 C.F.R. § 1.114 (the last action is a notice of allowance) and this submission is being made prior to payment of an issue fee. The RCE transmittal submitted herewith authorizes the Commissioner to charge the RCE fee to Deposit Account No. 50-0990.

REMARKS

An Information Disclosure Statement was filed on November 7, 2001 in this application by Applicant's previous representative. Applicant, however, has not yet received a copy of that IDS signed off by the Examiner. A copy of that IDS submission is enclosed. Copies of the cited references were provided with the original submission and are not being resubmitted herewith. If the

Lorraine J. Giver, et al.  
USSN 09/905,666  
Filing Date: July 13, 2001  
Page 2 of 2

Patent Office would like copies of the references resent, the Examiner is invited to contact the undersigned attorney at the telephone number provided below.

A second IDS is provided herewith that is directed to abstracts from the SWISSPROT database. These abstracts were cited in an IDS that was filed on October 1, 2002. The Patent Office noted that the names of the databases were missing from the form PTO/SB/08 (PTO form 1449 equivalent) citation list, and the references were thus not considered. The full citations for these abstracts are indicated on new form PTO/SB/08 submitted herewith.

The citations listed in the enclosed Information Disclosure Statements may be material to the examination of the above-identified patent application. Applicant submits these documents in compliance with the duty of disclosure as defined in 37 C.F.R. § 1.56 and § 1.97. The Examiner is requested to make these citations of official record in the present application.

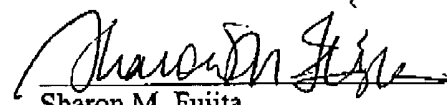
Also enclosed herewith is a new Application Data Sheet reflecting a change in residence for the inventors.

Please charge any additional fees or credit any overpayment in connection with this submission to Deposit Account 50-0990.

Respectfully submitted,

August 16, 2004

MAXYGEN, INC.  
Patent Department  
515 Galveston Drive  
Redwood City, CA 94063  
Telephone: (650) 298-5421  
Facsimile: (650) 298-5446  
Customer No. 30560

  
Sharon M. Fujita  
Attorney for Applicant  
Reg. No. 38,459

Attachments: Copy of IDS filed November 7, 2001 – 9 pages  
Form PTO/SB/08 with SWISSPROT references – 6 pages  
New Application Data Sheet – 3 pages

COPY

TO THE U.S. PATENT & TRADEMARK OFFICE

Please stamp the date of receipt of the following document(s) and return this card to us:

RE: Information Disclosure Statement for NOVEL LIPASE GENES

TITLE OF DOCUMENT(S):

- Information Disclosure Statement
- PTO-form 1449
- Cited References
- Transmittal Sheet
- Acknowledgement Postcard



Application No. 09/905,666

File No. 02-106820US

Date Mailed November 7, 2001

Atty/Secty. JAQ/ag

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LAW OFFICES OF  
JONATHAN ALAN QUINE

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Please type a plus sign (+) inside the box → ☒(Modified) PTO/SB/21 (6-88)  
Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/905,666
	Filing Date	July 13, 2001
	First Named Inventor	Lorraine J. Giver
	Group Art Unit	Unassigned
	Examiner Name	Unassigned
Total Number of Pages in This Submission	Attorney Docket Number	02-106820US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	receipt acknowledgment postcard
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	1449
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	Cited References
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<b>Authorization to Charge Deposit Account</b> Please charge Deposit Account No. 50-0893 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Jonathan Alan Quine Reg. No. 41261, The Law Offices of Jonathan Alan Quine
Signature	<i>Jonathan Alan Quine</i>
Date	11-7-01

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: November 7, 2001	
Typed or printed name	Amelia Groth

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Assistant Commissioner for Patents,  
Washington, D.C. 20231.

On November 7, 2001

The Law Offices of Jonathan Alan Quine

By 

Amelia Groth

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Attorney Docket No. 02-106820US  
Client Ref. No. 0184.310US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Lorraine J. Giver, *et al.*

Application No.: 09/905,666

Filed: July 13, 2001

For: NOVEL LIPASE GENES

Examiner: Unassigned

Art Unit: Unassigned

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR § 1.97 and  
§ 1.98

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The references cited on attached form PTO-1449 are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited information be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

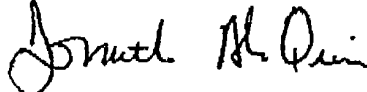
Application No.: 09/905,666  
Page 2

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As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement, since it is being submitted prior to the first Office Action. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 50-0893. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Jonathan Alan Quine  
Reg. No. 41,261

THE LAW OFFICES OF JONATHAN ALAN QUINE  
P.O. Box 458  
Alameda, CA 94501  
Tel: (510) 337-7871  
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JAQ:ag

COPY

(Modified) PTO/SB/08A-B (10-96)

Approved for use through 10/31/99. OMB 0651-0031

Substitute for form 1449A-B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>	<b>Complete if Known</b>	
	Application Number	09/905,660
	Filing Date	July 13, 2001
	First Named Inventor	Lorraine J. Gliver
	Group Art Unit	Unassigned
	Examiner Name	Unassigned
	Attorney Docket Number	02-106820US

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, lines, Where Relevant Passages or Relevant Figures Appeal
		Number	Kind Code (if known)			
	AA	5,512,463		Stemmer	04-30-1996	
	AB	5,514,588		Varadaraj	05-07-1996	
	AC	5,605,793		Stemmer	02-25-1997	
	AD	5,763,239		Short et al.	06-09-1998	
	AE	5,789,228		Lam et al.	08-04-1998	
	AF	5,811,238		Stemmer et al.	09-22-1998	
	AG	5,814,473		Warren et al.	09-29-1998	
	AH	5,824,469		Horwitz et al.	10-20-1998	
	AI	5,830,696		Short	11-03-1998	
	AJ	5,830,721		Stemmer et al.	11-03-1998	
	AK	5,834,252		Stemmer et al.	11-10-1998	
	AL	5,837,458		Minushull et al.	11-17-1998	
	AM	5,866,363		Pieczenik	02-02-1999	
	AN	5,876,997		Kretz	03-02-1999	
	AO	5,925,749		Mathur, et al.	07-20-1999	
	AP	5,928,905		Stemmer, et al.	07-27-1999	
	AQ	5,939,250		Short, Jay M.	08-17-1999	
	AR	5,939,300		Robertson, et al.	08-17-1999	
	AS	5,942,430		Robertson, et al.	08-24-1999	
	AT	5,948,666		Callen, et al.	09-07-1999	
	AU	5,958,672		Short, Jay M.	09-28-1999	
	AV	5,958,751		Murphy, et al.	09-28-1999	
	AW	5,962,258		Mathur, et al.	10-05-1999	
	AX	5,962,283		Warren et al.	10-05-1999	
	AY	5,965,408		Short, Jay M.	10-12-1999	
	AZ	5,985,646		Murphy, et al.	11-16-1999	
	BA	6,001,574		Short et al.	12-14-1999	
Examiner Signature				Date Considered		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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(Modified) PTO/SB/08A-B (10-95)

Approved for use through 10/31/99. OMB 0651-0031

Substitute for form 1449A-B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>	<b>Complete if Known</b>	
	Application Number	09/905,660
	Filing Date	July 13, 2001
	First Named Inventor	Lorraine J. Gliver
	Group Art Unit	Unassigned
	Examiner Name	Unassigned
	Attorney Docket Number	02-106820US

	BB	6,004,788		Short	12-21-1999	
	BC	6,030,779		Short	02-29-2000	
	BD	6,054,267		Short	04-25-2000	
	BE	6,057,103		Short	05-02-2000	
	BF	6,096,548		Stemmer	08-01-2000	
	BG	6,117,679		Stemmer	09-12-2000	
	BH	6,132,970		Stemmer	10-17-2000	
	BI	6,165,793		Stemmer	12-26-2000	
	BJ	6,168,919		Short	01-02-2001	
	BK	6,171,820		Short	01-09-2001	
	BL	6,174,673		Short, et al.	01-16-2001	
	BM	6,180,406		Stemmer	01-30-2001	
	BN	6,238,884		Short et al.	05-29-2001	

FOREIGN PATENT DOCUMENTS								
Examiner Initials	Cite No.	Foreign Patent Document		Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	Number					
	BO	WO	97/07205		Novo Nordisk A/S	02-27-1997		
	BP	WO	97/20078		Affymax Technologies	06-05-1997		
	BQ	WO	97/25410		Novo Nordisk A/S	07-17-1997		
	BR	WO	97/35957		Maxygen, Inc.	10-02-1997		
	BS	WO	97/35966		Maxygen, Inc.	10-02-1997		
	BT	WO	97/44361		Recombinant Biocatalysis Inc.	11-27-1997		
	BU	WO	97/48416		Recombinant Biocatalysis, Inc.	12-24-1997		
	BV	WO	97/48717		Recombinant Biocatalysis Inc	12-24-1997		
	BW	WO	97/48794		Recombinant Biocatalysis Inc	12-24-1997		
	BX	WO	98/00526		Recombinant	01-08-1998		
Examiner Signature						Date Considered		

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	Group Art Unit	Unassigned
	Examiner Name	Unassigned
	Attorney Docket Number	02-106820US

				Biocatalysis Inc			
	BY	WO	98/01581	Recombinant Biocatalysis Inc	01-15-1998		
	BZ	WO	98/13485	Maxygen, Inc.	04-02-1998		
	CA	WO	98/13487	Maxygen, Inc.	04-02-1998		
	CB	WO	98/24799	Diversa Corp.	06-11-1998		
	CC	WO	98/27230	Maxygen, Inc.	06-25-1998		
	CD	WO	98/28416	Novo Nordisk A/S	07-02-1998		
	CE	WO	98/31837	Maxygen, Inc.	07-23-1998		
	CF	WO	98/36080	The Dow Chemical Company	08-20-1998		
	CG	WO	98/41622	Novo Nordisk A/S	09-24-1998		
	CH	WO	98/41623	Novo Nordisk A/S	09-24-1998		
	CI	WO	98/41653	Novo Nordisk A/S	09-24-1998		
	CJ	WO	98/42832	California Institute of Technology	10-01-1998		
	CK	WO	98/48034	Diversa Corp.	10-29-1998		
	CL	WO	98/58085	Diversa Corp.	12-23-1998		
	CM	WO	99/07837	Diversa Corp.	02-19-1999		
	CN	WO	99/08539	Diversa Corp.	02-25-1999		
	CO	WO	99/10472	Diversa Corp.	03-04-1999		
	CP	WO	99/10539	Diversa Corp.	03-04-1999		
	CQ	WO	99/19518	Diversa Corp.	04-22-1999		
	CR	EP	0911396A2	Maxygen, Inc.	04-28-1999		
	CS	WO	99/21979	Maxygen, Inc.	05-06-1999		
	CT	EP	0911396A3	Maxygen, Inc.	05-06-1999		
	CU	WO	99/23107	Maxygen, Inc.	05-14-1999		
	CV	WO	99/23236	Diversa Corp.	05-14-1999		
	CW	WO	99/29902	California Institute of Technology et al.	06-17-1999		

Examiner Signature		Date Considered	
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	Group Art Unit	Unassigned
	Examiner Name	Unassigned
	Attorney Docket Number	02-106820US

	CX	EP	0934999A1		Maxygen, Inc.	08-11-1999		
	CY	WO	99/41368		Maxygen, Inc.	08-19-1999		
	CZ	WO	99/41369		Maxygen, Inc.	08-19-1999		
	DA	WO	99/41383		Maxygen, Inc.	08-19-1999		
	DB	WO	99/41402		Maxygen, Inc.	08-19-1999		
	DC	WO	99/45154		Diversa Corp.	09-10-1999		
	DD	WO	99/57128		Maxygen, Inc.	11-11-1999		
	DE	WO	99/65927		Maxygen, Inc.	12-23-1999		
	DF	WO	00/42560		Maxygen, Inc.	07-20-2000		
	DG	WO	00/42561		Maxygen, Inc.	07-20-2000		
	DH	WO	00/53744		Diversa Corporation	09-14-2000		
	DI	WO	00/58517		Diversa Corporation	10-05-2000		

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
DJ		Chang, C., et al. (1999) "Evolution of a cytokine using DNA family shuffling." <i>Nature Biotechnology</i> 17:793-797.	
DK		Christians, F.C. et al., (1999) "Directed evolution of thymidine kinase for AZT phosphorylation using DNA family shuffling." <i>Nature Biotechnology</i> 17:259-264.	
DL		Coco et al., (2001) "DNA shuffling method for generating highly recombined genes and evolved enzymes" <i>Nature Biotechnology</i> vol. 19 pp. 354-359	
DM		Crameri et al., (1993) "10(20)-Fold aptamer library amplification without gel purification," <i>Nuc. Acids Res.</i> 21(18):4410.	
DN		Crameri, A. & Stemmer W.P.C. (1995) "Combinatorial multiple cassette mutagenesis creates all the permutations of mutant and wildtype cassettes." <i>Biotechniques</i> 18:194-195.	
DO		Crameri, A. et al. (1996) "Improved green fluorescent protein by molecular evolution using DNA shuffling." <i>Nature Biotechnology</i> 14:315-319.	
DP		Crameri, A. et al. (1996) "Construction and evolution of antibody-phage libraries by DNA shuffling." <i>Nature Medicine</i> 2:100-103.	
DQ		Crameri, A. et al., (1997) "Molecular evolution of an arsenate detoxification pathway by DNA shuffling." <i>Nature Biotechnology</i> 15:436-438	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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	Filing Date	July 13, 2001
	First Named Inventor	Lorraine J. Gilver
	Group Art Unit	Unassigned
	Examiner Name	Unassigned
	Attorney Docket Number	02-106820US

DR	Cramer, A. et al., (1998) "DNA shuffling of a family of genes from diverse species accelerates directed evolution." <i>Nature</i> 391:288-291.
DS	Gates, C.M. et al., (1996) "Affinity selective isolation of ligands from peptide libraries through display on a lac repressor 'headpiece dimer'." <i>Journal of Molecular Biology</i> 255:373-386.
DT	Minshull, J., Stemmer, W.P.C. (1999) "Protein evolution by molecular breeding." <i>Current Opinion in Chemical Biology</i> 3:284-290.
DU	Ness, J. et al., (1999) "DNA shuffling of subgenomic sequences of subtilisin." <i>Nature Biotechnology</i> 17:893-896.
DV	Paten, P.A. et al., (1997) "Application of DNA Shuffling to Pharmaceuticals and Vaccines." <i>Current Opinion in Biotechnology</i> 8:724-733.
DW	Pelletier, Joelle N., (2001) "A Rachit for our toolbox" <i>Nature Biotechnology</i> vol. 19, p. 314-315
DX	Stemmer, W.P.C. (1994) "DNA Shuffling by random fragmentation and reassembly: In vitro recombination for molecular evolution." <i>PNAS</i> 91:10751
DY	Stemmer, W.P.C. (1994) "Rapid evolution of a protein in vitro by DNA shuffling." <i>Nature</i> 370:389-391.
DZ	Stemmer, W.P.C. (1995) "The Evolution of Molecular Computation." <i>Science</i> 270:1510
EA	Stemmer, W.P.C. (1995) "Searching Sequence Space." <i>BioTechnology</i> 13:549-553.
EB	Stemmer, W.P.C. (1996) "Sexual PCR and Assembly PCR." In: <i>The Encyclopedia of Molecular Biology</i> . VCH Publishers, New York. pp. 447-457.
EC	Stemmer, W.P.C. & Soong, N.W. (1999) "Molecular breeding of viruses for targeting and other clinical properties." <i>Tumor Targeting</i> 4:59-62.
ED	Zhang, J. et al., (1997) "Directed evolution of an effective fucosidase from a galactosidase by DNA shuffling and screening." <i>Proceedings of the National Academy of Sciences, USA</i> 94:4504-4509.

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Modified) PTO/SB/08A-B (10-96)

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	First Named Inventor	Lorraine J. Giver, et al.
	Group Art Unit	1652
	Examiner Name	Nashaat T. Nashed
	Attorney Docket Number	0184.310US

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code (if known)			

FOREIGN PATENT DOCUMENTS								T
Examiner Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		Office	Number	Kind Code (if known)				

[illegible]

Examiner Signature	Date Considered
-----------------------	--------------------

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